

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CITIMORTGAGE, INC.,

Plaintiff(s),

v.

MDGGG TRUST,

Defendant(s).

Case No. 2:15-CV-154 JCM (VCF)

ORDER

Presently before the court is defendant MDGGG Trust's motion to dismiss the complaint. (Doc. # 17). Plaintiff CitiMortgage, Inc. filed a response, (doc. # 21) and defendant MDGGG filed a reply. (Doc. # 23).

This motion requests the dismissal of plaintiff's original complaint. (Doc. # 1). However, plaintiff filed an amended complaint. (Doc. # 25).

An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, 2013 WL 3943606, at *2 (D. Nev. 2013).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant MDGGG Trust's motion to dismiss the original complaint (doc. # 17) be, and the same hereby is, DENIED as moot without prejudice.

DATED March 17, 2016.


UNITED STATES DISTRICT JUDGE